

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3466 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Siwan

1. Ramnaresh Bhagat Son of Late Sadhusaran Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
2. Jay Prakash Bhagat Son of Ram Naresh Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
3. Ranjan Bhagat @ Sanjit Kumar Son of Ram Naresh Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
4. Pankaj Bhagat @ Pankaj Kumar Son of Bashishth Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
5. Rohit Bhagat @ Rohit Kumar Son of Omprakash Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
6. Ranjan Bhagat @ Ranjay Kumar Son of Bashishth Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
7. Ritesh Bhagat Son of Shivpujan Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.
8. Ramprit Bhagat Son of Bhikhu Bhagat Resident of Village- Sadhokhar, P.S.- Hussainganj, District- Siwan.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Alok Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 04-11-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 20.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 08 of 2019 registered under Sections 341, 323, 324, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Eleven named accused persons including the appellants assaulted the son of the informant over taking water from their tap and when the informant and his family member rushed in his rescue, they slated him in the name of caste and assaulted them. Jay Prakash Bhagat snatched golden chain of the wife of the informant while Ranjan Bhagat and Surendra Bhagat pointed pistol on him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Jay Prakash Bhagat has lodged Hussainganj P.S. Case No.48 of 2019 against the informant's son and his associates and in order to save skin from this case this false and frivolous case has been lodged against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Victim has sustained simple pain and swelling as the prescription filed by



the victim does not contain any apparent injury on their person. There is inordinate delay of 22 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 08 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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